

(4) Any disclosure by eligible potential purchasers to potential investors in the mortgage shall be limited to the period specified by HUD for the mortgage sale. Similar, potential investors in the mortgage shall agree to keep the information confidential and to use the information for the sole purpose of their evaluation of the mortgage in connection with their investment decision. In addition, potential investors in the mortgage may not disclose the information to other entities, unless the disclosure is necessary for the investor's evaluation of the mortgage, is in accordance with disclosure procedures for the specific sale that have been established by the Secretary, and is limited to the period specified by HUD for the mortgage sale. Any potential purchaser is responsible for notifying potential investors in the mortgage who receive this information from that entity of the investors' obligations under this section.

(5) Disclosure of information from Form HUD-92410 by an eligible potential purchaser or by a potential investor (who has received the information from a potential purchaser and has been notified by that entity of its obligations under paragraph (c)(3) of this section) that is not in accordance with this section is a violation of this regulation and may subject the entity making the unauthorized disclosure to administrative sanctions under 24 CFR part 24.

(Approved by the Office of Management and Budget under control number 2502-0052)

[40 FR 48123, Oct. 14, 1975, as amended at 51 FR 44286, Dec. 9, 1986; 60 FR 11903, Mar. 3, 1995]

## Subpart D [Reserved]

## Subpart E—Procedures for Requesting Access to Records

### § 15.41 Requests for records.

(a) Requests for copies of records may be made in person during normal business hours at information centers listed in § 15.31 or by mail addressed to such centers. Although oral requests may be honored, a requester may be asked to submit his request in writing.

(b) Each request must reasonably describe the desired record including the name, subject matter, and number or date, where possible, so that the record may be identified and located. In order to enable the Department to comply with the time limitations set forth in § 15.42, the envelope containing a written request and the letter itself should both clearly indicate that the subject is a Freedom of Information Act request.

(c) The request shall be accompanied by an agreement to pay a fee to be determined in accordance with § 15.14. Under the circumstances enumerated in § 15.18, the Department may refuse to furnish records before receipt of the appropriate fee. A requester may specify a limit for fees, above which the requester is not willing to pay without advance consultation with the Department.

(d) Copies of available records shall be made as promptly as possible. Copying service shall be limited to not more than 10 copies of any single page. Records which are published or available for sale need not be reproduced.

[40 FR 48123, Oct. 14, 1975, as amended at 60 FR 11904, Mar. 3, 1995]

### § 15.42 Time limitations.

(a) Upon receipt of a request for records, the appropriate office will determine within ten working days whether to comply with such requests. The office will either agree to provide the requested documents, or will notify the requester, in writing, of an adverse determination, the reasons therefor, and the right to appeal the denial to the:

(1) General Counsel, with respect to a denial issued by the Office of the Executive Secretariat or by the offices in which there is a Field Assistant General Counsel; or

(2) Field Assistant General Counsel, with respect to a denial issued by the Field Offices.

(b) When a request for records is misdirected by the requester, the office receiving the request shall:

(1) Promptly refer it to the appropriate office; and

(2) Advise the requester that the time of receipt by the appropriate office will

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be the time of receipt for processing purposes.

(c) A determination by the General Counsel or the Field Assistant General Counsel with respect to an appeal under § 15.61 shall be made within 20 working days after receipt of the appeal, and shall be communicated to the appellant, in writing.

(d) In unusual circumstances, the General Counsel, or the appropriate Field Assistant General Counsel, may extend the time limits prescribed in paragraphs (a) and (c) of this section, by written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. An extension shall not exceed ten working days. As used in this paragraph, unusual circumstances means that there is a need:

(1) To search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) To search for, collect, and examine appropriately a voluminous amount of separate and distinct records that are demanded in a single request; or

(3) For consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more organizational units of the Department having a substantial interest in the subject matter of the request.

[60 FR 11904, Mar. 3, 1995]

## Subpart F—Disclosure of Records and Refusal To Disclose

### § 15.51 Authority to release records or copies.

The Office of the Executive Secretariat in Headquarters and the FOIA liaisons in each Field Office are authorized to release copies of any Department records upon written request unless disclosure is clearly not appropriate under this part.

[60 FR 11904, Mar. 3, 1995]

### § 15.52 Authority to deny requests for records.

The officers described in § 15.51, or other official designated by the Secretary's Representative, may deny a

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request for a record only with the concurrence of the appropriate program counsel in Headquarters or counsel in the Field Offices. Any denial shall:

(a) Be made in writing, describing the documents denied and, if fewer than 21, listing them specifically;

(b) Contain a simple reason for the denial, stating the appropriate exemption used; and

(c) Advise of the right to appeal the adverse determination, in accordance with § 15.61, to the:

(1) General Counsel, with respect to a denial issued by the Office of Executive Secretariat or by offices in which there is a Field Assistant General Counsel; and

(2) Field Assistant General Counsel, with respect to a denial issued by Field Offices.

[60 FR 11904, Mar. 3, 1995]

### § 15.54 Business information.

(a) *In general.* Business information provided to the Department by a submitter shall not be disclosed pursuant to a FOIA request except in accordance with this section.

(b) *Definitions.* As used in this section:

*Business information* means commercial or financial information provided to the Department by a submitter that arguably is protected from disclosure under Exemption 4 (42 U.S.C. 552(b)(4)) of the Act.

*Submitter* means any person or entity who provides business information, directly or indirectly, to the Department. The term includes, but is not limited to, corporations, State governments, and foreign governments.

(c) *Designation of business information.* A submitter's claim that certain information is confidential or proprietary should be supported by a statement or certification by an officer or authorized representative of the submitter that the information is, in fact, confidential or proprietary and has not been disclosed to the public. All information considered confidential or proprietary by a submitter should be clearly designated with a prominent stamp, typed legend, or other suitable form of notice, stating "Confidential Treatment Requested by [insert name of submitter]", which should appear on